

So Ordered.



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

Dated: December 1st, 2014

UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

HARRY BOURKE & DIANA L. OWENS,

Debtors.

Jointly Administered Under:

No.: **13-04935-FPC11**

FINDINGS OF FACT

In re:

SWISS VALLEY AGENCY, INC.,

Debtor.

THIS MATTER coming before the Court upon the issues raised by Debtor's request for confirmation of the Plan of Reorganization filed by Swiss Valley Agency, Inc. [Docket No. 305] ("Plan") and final approval of Debtor's Disclosure Statement [Docket No. 306] ("Disclosure Statement") and based upon the evidence produced, the Court now makes the following:
Findings of Fact-1

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FINDINGS OF FACT

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2 1. The Plan of Reorganization and Disclosure Statement filed by Swiss Valley
3 Agency, Inc. on September 19, 2014, ~~which~~ were submitted to Creditors and other parties
4 in interest;

5 2. The Plan has been accepted in writing by the creditors and equity security
6 holders whose acceptance is required by law;

7 3. The provisions of Chapter 11 of the United States Code have been complied
8 with and the Plan has been proposed in good faith and not by any means forbidden by
9 law;
10

11 4. (a) Each holder of a claim or interest has accepted the Plan or will receive or
12 retain under the Plan property of a value, as of the effective date of the Plan, that is not
13 less than the amount that such holder would receive or retain if the Debtor were liquidated
14 under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate unfairly,
15 and is fair and equitable with respect to each class of claims or interests that is impaired
16 under, and has not accepted the Plan;

17 5. All payments made or promised by the Debtor or by a person issuing
18 securities or acquiring property under the Plan or by any other person for services or for
19 costs and expenses in, or in connection with, the Plan and incident to the case, have been
20 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed
21 after confirmation of the Plan, will be subject to approval of the Court;

23 6. Confirmation of the Plan is not likely to be followed by the liquidation, or the
24 need for further financial reorganization of the Debtor, or (b) if the Plan is a plan of
25

Findings of Fact-2

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1 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
2 provides for the eventuality that the liquidation is not accomplished in that time period;

3 7. Pursuant to the Plan, the following acts or events constitute substantial
4 consummation of the Plan: sixty (60) days following Confirmation, provided that Debtor
5 has paid all installments provided by this Plan to be paid within that time;

6 8. Creditors were given Notice of Confirmation and no objections thereto were
7 made, or if made, have been resolved;

8 9. It is proper that Debtor's Disclosure Statement be approved; and

9 10. It is proper that Debtor's Plan be confirmed.
10

11 *///END OF ORDER///*

12 *11. The payment modification has no adverse impact on creditors.*

13 PRESENTED BY:

14 SOUTHWELL & O'ROURKE, P.S.

15
16 BY: s/ Dan O'Rourke
17 DAN O'ROURKE, WSBA #4911
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Findings of Fact-3

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